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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

MUHAMMAD RAGHIB HUSSAIN,)	
)	No. C 07-5444 SBA
Plaintiff,)	
)	
v.)	ANSWER
)	
PETER KEISLER, Acting Attorney General of)	
the United States; MICHAEL CHERTOFF,)	
Secretary of the Department of Homeland)	
Security; EMILIO GONZALES, Director of)	
United States Citizenship and Immigration)	
Services; ROBERT MUELLER, Director of the)	
Federal Bureau of Investigations; CHRISTINA)	
POULOS, Director of the USCIS California)	
Service Center,)	
)	
Defendants.)	

Defendants hereby submit their answer to Plaintiff's Complaint for Mandamus to Compel Defendants to Complete Naturalization Process.

The initial unnumbered paragraph consists of Plaintiff's characterization of the lawsuit, and thus no admission or denial is required; however, to the extent a responsive pleading is deemed to be required, the Defendants deny the allegations in this paragraph.

PARTIES

1. Defendants admit that Plaintiff is a naturalization applicant; however, Defendants are

1 without sufficient information to admit or deny Plaintiff's current residence.

2 2. Defendants admit the allegations in Paragraph Two.

3 3. Defendants admit the allegations in Paragraph Three.

4 4. Defendants admit the allegations in Paragraph Four.

5 5. Defendants admit the allegations in Paragraph Five.

6 6. Defendants admit the allegations in Paragraph Six.

7 **JURISDICTION**

8 7. Paragraph Seven consists of Plaintiff's allegations regarding jurisdiction, to which no
9 responsive pleading is required; however, to the extent a responsive pleading is deemed necessary,
10 Defendants deny the allegations in this paragraph.

11 8. Paragraph Eight consists of Plaintiff's allegations regarding jurisdiction, to which no
12 responsive pleading is required.

13 9. Paragraph Nine consists of Plaintiff's allegations regarding costs and attorney fees, to
14 which no responsive pleading is required; however, to the extent a responsive pleading is deemed
15 necessary, Defendants deny the allegations in this paragraph.

16 **VENUE**

17 10. Paragraph Ten consists of Plaintiff's allegations regarding venue, to which no responsive
18 pleading is required; however, to the extent a responsive pleading is deemed necessary, defendants
19 deny the allegations in this paragraph.

20 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

21 11. Defendants deny the allegations in Paragraph Eleven.

22 **THE STATUTORY AND REGULATORY SCHEME OF THE**
23 **NATURALIZATION PROCESS**

24 12. Defendants admit the allegations in Paragraph Twelve.

25 **THE CHALLENGED PRACTICE**

26 13. Defendants admit that Plaintiff's application has not been adjudicated within 120 days of
27 the interview; however, Defendants deny that an examination has taken place.

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FACTUAL ALLEGATIONS

14. Defendants admit the allegations in Paragraph Fourteen.

15. Defendants admit the allegations in Paragraph Fifteen.

16. Paragraph Sixteen consists of Plaintiff's characterization of the lawsuit, and thus no admission or denial is required; however, to the extent a responsive pleading is deemed to be required, the Defendants deny the allegations in this paragraph.

17. Defendants deny the allegations in Paragraph Seventeen.

IRREPARABLE INJURY

18. Defendants are without sufficient information to admit or deny the allegations in Paragraph Eighteen.

REQUEST FOR RELIEF

The remaining paragraph consists of Plaintiff's prayer for relief and request for costs and fees, to which no admission or denial is required; to the extent a responsive pleading is deemed to be required, Defendants deny the allegations in this paragraph.

FIRST AFFIRMATIVE DEFENSE

The court should dismiss the complaint under Fed. R. Civ. P. 12(b)(6) because Plaintiff fails to state a claim upon relief may be granted.

SECOND AFFIRMATIVE DEFENSE

The court should dismiss the complaint under Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction.

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1 WHEREFORE, Defendants pray for relief as follows:

2 That judgment be entered for Defendants and against Plaintiff, dismissing Plaintiff's
3 Complaint with prejudice; that Plaintiff takes nothing; and that the Court grant such further relief
4 as it deems just and proper under the circumstances.

5 Dated: January 17, 2008

Respectfully submitted,

6 JOSEPH P. RUSSONIELLO
7 United States Attorney

8 /s/
9 EDWARD OLSEN
10 Assistant United States Attorney
11 Attorneys for Defendants
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